IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12698 of 1999

Dated: 24th July, 2006

Between:

Alluri Narasimha Raju

.. Petitioner

and

The Executive Engineer (Drains),
Irrigation Division, Bhimavaram,
West Godavari district & others.

.. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12698 of 1999

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not paying the compensation amount to the petitioner for removal of coconut trees and also for the acquired land in the process of improving drains in R.S.No.426 of Tunduru village, Bhimavaram mandal, West Godavari district, as arbitrary,

illegal and consequently to direct the respondents to pay compensation for the coconut trees and land.

The case of the petitioner is that he is the owner of the agricultural land in R.S.No.426 of Tunduru village, Bhimavaram mandal, West Godavari district and the respondent authorities had removed 81 coconut trees in the month of June 1992 and also tried to remove other trees and dispossess him from the land. Hence, he filed W.P.No.12071 of 1992. The said writ petition was disposed of by order dated 23.9.1992 directing the respondent authorities to consider the representation of the petitioner and meanwhile, directed the parties to maintain status quo as on that date. As there is interference by the respondents in spite of the order, he filed Contempt Case No.535 of 1993. Since the respondents denied interference with regard to removal of coconut trees, the contempt case was closed. On 24.5.1999, the authorities came along with proclainer and dug a drain by removing six coconut trees and destroyed roots of 22 trees as well as 14 cents of land stating that it requires for improvement of the drain. Hence the writ petition.

A detailed counter affidavit has been filed stating that the petitioner's statement with regard to interference is incorrect. The authorities neither touched the land nor coconut trees belonging to the petitioner. The petitioner's statement with regard to removing of six coconut trees, damaging 12 trees and destroying 14 cents of his land is false. The desiltation of Gunupudi drain was carried out within Government land only. There is no necessity to cut the petitioner's trees or cause damage to his land. The petitioner is neither eligible for Rs.3,00,000/- towards damages nor for Rs.1,27,500/- towards earlier

removal of coconut trees. The Department has never removed or damaged any coconut trees or land of the petitioner, therefore, he is not entitled to claim the amount of Rs.4,27,500/- towards compensation.

In view of the above denial by the respondents, this Court under Article 226 of the Constitution of India cannot decide the issue in question. If really the petitioner is aggrieved, he is at liberty to approach the Civil Court and work out his remedies as available under law. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU,
J

Date: 24.7.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

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24.7.2006